

**Listing of Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

1.-8. (Canceled)

9. (Currently Amended) An ear warmer, comprising:

a frame including a band portion and an ear portion, the ear portion having a length and including a first portion and a second portion, the ear portion having a longitudinal plane, the ear portion having an outer side and an inner side opposite to the outer side, the inner side being proximate to a head of a wearer of the ear warmer and the outer side being oriented away from the head of the wearer, the first portion of the ear portion having a length and being curved about a first axis, the first axis being substantially orthogonal to the longitudinal plane of the ear portion, the second portion of the ear portion having a length and being curved about a second axis, the second axis being substantially orthogonal to the longitudinal plane of the ear portion, the second axis being spaced apart from the first axis, the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum being at least half the length of the ear portion, a thickness of the first portion of the ear portion is greater than a thickness of the second portion of the ear portion, and each of the first axis and the second axis being spaced apart from and extending along the inner side of extends along the ear portion.

10. (Previously presented) The ear warmer of claim 9, wherein the band portion includes a first member and a second member, the first member of the band portion has a first end portion and a second end portion, the second end portion of the first member is slidably coupled to the second member of the band portion, the ear portion is coupled proximate the first end portion of the first member of the band portion.

11. (Previously presented) The ear warmer of claim 9, wherein the ear portion is tapered from the first portion of the ear portion to the second portion of the ear portion.

12. (Canceled)
13. (Previously presented) The ear warmer of claim 9, wherein the band portion has a first member and a second member, the first member includes a first end and a second end, the second end of the first member is slidably coupled to the second member of the band portion, the first member of the band portion has an outer surface, the outer surface of the first member of the band portion includes a plurality of recesses configured to communicate with an end of the second member of the band portion.
14. (Canceled)
15. (Previously presented) The ear warmer of claim 9, further comprising:  
a shell having a cavity, at least a portion of the frame being disposed within the cavity of the shell.
16. (Previously presented) The ear warmer of claim 9, wherein the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum are at least two-thirds the length of the ear portion.
17. (Previously presented) The ear warmer of claim 9, wherein the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum are at least four-fifths the length of the ear portion.
- 18.-42. (Canceled)

43. (Currently Amended) An ear warmer, comprising:

a frame including a band portion and an ear portion, the ear portion having a length and including a first portion and a second portion, the ear portion having a longitudinal plane, the ear portion having an outer side and an inner side opposite to the outer side, the inner side being proximate to a head of a wearer of the ear warmer and the outer side being oriented away from the head of the wearer, the first portion of the ear portion having a length and being curved about a first axis, the first axis being substantially orthogonal to the longitudinal plane of the ear portion, the second portion of the ear portion having a length and being curved about a second axis, the second axis being substantially orthogonal to the longitudinal plane of the ear portion, the second axis being spaced apart from the first axis, the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum being at least half the length of the ear portion, and each of the first axis and the second axis extends along the inner side of the ear portion and does not pass through the ear portion.

44. (Previously presented) The ear warmer of claim 43, wherein the band portion includes a first member and a second member, the first member of the band portion has a first end portion and a second end portion, the second end portion of the first member is slidably coupled to the second member of the band portion, the ear portion is coupled proximate the first end portion of the first member of the band portion.

45. (Previously presented) The ear warmer of claim 43, wherein the ear portion is tapered from the first portion of the ear portion to the second portion of the ear portion.

46. (Previously presented) The ear warmer of claim 43, wherein the band portion has a first member and a second member, the first member includes a first end and a second end, the second end of the first member is slidably coupled to the second member of the band portion, the first member of the band portion has an outer surface, the outer surface of the first member of the band portion includes a plurality of recesses configured to communicate with an end of the second member of the band portion.

47. (Canceled)

48. (Previously presented) The ear warmer of claim 43, further comprising:  
a shell having a cavity, at least a portion of the frame being disposed within the cavity of the shell.

49. (Previously presented) The ear warmer of claim 43, wherein the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum are at least two-thirds the length of the ear portion.

50. (Previously presented) The ear warmer of claim 43, wherein the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum are at least four-fifths the length of the ear portion.

51. (Previously presented) An ear warmer, comprising:

a frame including a band portion and an ear portion, the ear portion having a length and including a first portion and a second portion, the ear portion having a longitudinal plane, the first portion of the ear portion having a length and being curved about a first axis, the first axis being substantially orthogonal to the longitudinal plane of the ear portion, the second portion of the ear portion having a length and being curved about a second axis, the second axis being substantially orthogonal to the longitudinal plane of the ear portion, the second axis being spaced apart from the first axis, the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum being at least half the length of the ear portion, and each of the first axis and the second axis is oriented so that it does not intersect with the ear portion.

52. (Previously presented) The ear warmer of claim 51, wherein the band portion includes a first member and a second member, the first member of the band portion has a first end portion and a second end portion, the second end portion of the first member is slidably coupled to the second member of the band portion, the ear portion is coupled proximate the first end portion of the first member of the band portion.

53. (Previously presented) The ear warmer of claim 51, wherein the ear portion is tapered from the first portion of the ear portion to the second portion of the ear portion.

54.-55. (Canceled)

56. (Previously presented) The ear warmer of claim 51, further comprising:

a shell having a cavity, at least a portion of the frame being disposed within the cavity of the shell.

57. (Previously presented) The ear warmer of claim 51, wherein the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum are at least two-thirds the length of the ear portion.

58. (Previously presented) The ear warmer of claim 51, wherein the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum are at least four-fifths the length of the ear portion.

59. (New) The ear warmer of claim 9, wherein the ear portion includes a first projecting portion, a second projecting portion, and an extension portion coupled to the first projecting portion and to the second projecting portion, the first projecting portion and the second projecting portion form the first portion of the ear portion, the first projecting portion, the second projecting portion, and the extension portion collectively define an opening therebetween, the first axis extends along an inner side of the first projecting portion, the opening of the ear portion, and then an inner side of the second projecting portion, and the second axis extends substantially parallel to the first axis.

60. (New) The ear warmer of claim 59, wherein the first projecting portion, the second projecting portion and the extension portion collectively have a frusto-conical configuration.

61. (New) The ear warmer of claim 59, wherein each of the first projecting portion, the second projecting portion, and the extension portion has a thickness, the thickness of the first projecting portion and the thickness of the second projecting portion being substantially the same and tapering toward the extension portion, the thickness of the extension portion being tapered toward a distal end of the ear portion.

62. (New) The ear warmer of claim 9, wherein each of the first axis and the second axis does not pass through the ear portion.